

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DWAYNE PANNELL, Individually and on
Behalf of All Other Persons Similarly Situated,

Plaintiffs,

-against

DR. JAY'S INC.,

Defendant.

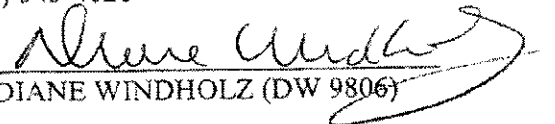
Civil Action No. 07-3503

**PLAINTIFFS' UNOPPOSED MOTION FOR ORDER PRELIMINARY APPROVING
CLASS ACTION SETTLEMENT, CONDITIONALLY CERTIFYING SETTLEMENT
CLASS, DIRECTING NOTICE TO CLASS, AND SETTING HEARING ON FINAL
APPROVAL**

PLEASE TAKE NOTICE that upon the accompanying Proposed Order Preliminarily Approving Class Action Settlement, Conditionally Certifying Settlement Class, Directing Notice To Class, and Setting Hearing on Final Approval, the Exhibits annexed thereto including the Class Action Settlement Agreement, and upon all prior papers and proceedings heretofore had herein, Plaintiffs hereby move this Court, at the Courthouse thereof, 500 Pearl Street, New York, the Honorable Richard M. Berman presiding, pursuant to Rule 23 of the Federal Rules of Civil Procedure, for entry of the accompanying Proposed Order Preliminarily Approving Class Action Settlement, Conditionally Certifying Settlement Class, Directing Notice To Class, and Setting Hearing On Final Approval, and for such other and further relief as to this Court may seem just and proper.

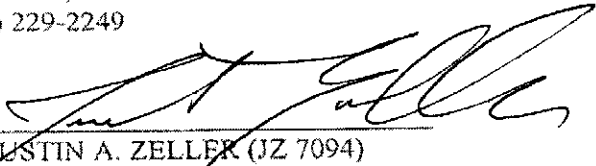
Dated: New York, New York
November 12, 2007

JACKSON LEWIS LLP
59 Maiden Lane
New York, New York 10038
(212) 545-4028

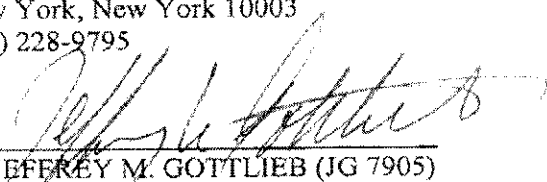
By: 
DIANE WINDHOLZ (DW 9806)

COUNSEL FOR DEFENDANT DR. JAY'S

THE LAW OFFICE OF JUSTIN A. ZELLER,
P.C.
251 West 14th Street
5th Floor
New York, New York 10011
(212) 229-2249

By: 
JUSTIN A. ZELLER (JZ 7094)

BERGER & GOTTLIEB
150 East 18th Street
Suite PHR
New York, New York 10003
(215) 228-9795

By: 
JEFFREY M. GOTTLIEB (JG 7905)

CLASS COUNSEL